

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN EDWARD GALLAGHER,	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 06-1206
	)	Judge Terrence F. McVerry/
DR. WILCOX, Southern Health Partners;	)	Magistrate Judge Amy Reynolds Hay
BUTLER COUNTY PRISON,	)	
Defendants	)	

**ORDER**

AND NOW, this 4<sup>th</sup> day of January, 2008, after the Plaintiff, John Edward Gallagher, filed an action in the above-captioned case, and after Defendants Dr. Wilcox and Southern Health Partners filed a motion to dismiss, and after Plaintiff filed a motion for preliminary injunction, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants Dr. Wilcox and Southern Health Partners' motion to dismiss [15] is denied in part and granted in part. It is granted as to all of Plaintiff's claims against Dr. Wilcox except for the claim that in early 2006 he refused to prescribe increased insulin for Plaintiff because Plaintiff refused to pay the fee for a doctor's visit. It is granted as to Southern Health Partners and they are dismissed as a party defendant.

IT IS FURTHER ORDERED that Butler County Prison is dismissed as a party defendant pursuant to the PLRA.

IT IS FURTHER ORDERED that Plaintiff's motion for preliminary injunction [18] is denied as moot.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

John Edward Gallagher  
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